

Serial No. 09/543,767  
Docket No. 00FN006US

6

### REMARKS

Claims 1 and 5-19 are all the claims presently being examined in the application.

With respect to the prior art rejections, claims 1, 5-7 and 10 stand rejected under 35 U.S.C. § 103(a) as being obvious over Kato, et al. (U.S. Pat. No. 6,654,078 B1). Claims 8, 9 and 11-19, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato as applied to claims 1, 5-7 and 10 in view of Hashimoto (U.S. Patent No. 5,442,470).

However, as discussed below, the above Application and the Kato patent were, at the time the invention of the above Application was made, commonly owned by the NEC Corporation. Therefore, the Kato patent is disqualified as a reference placing claims 1 and 5-19 in condition for immediate allowance.

These rejections are respectfully traversed in view of the following discussion.

Entry of this § 1.116 Amendment is proper. Since the amendments above narrow the issues for appeal and since such features were in the claims earlier, such amendments do not raise a new issue requiring further searching and/or consideration by the Examiner. As such entry of this Amendment is believed to be proper and is earnestly solicited.

It is noted that the amendments are made only to overcome the Examiner's non-statutory objections, and to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability.

It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or

Serial No. 09/543,767  
Docket No. 00FN006US

7

later during prosecution.

## I. THE CLAIMED INVENTION

Applicant's invention, as disclosed and claimed, for example by claim 1, is directed to a liquid crystal display panel.

The display panel includes a liquid crystal display panel held between an upper frame and a lower frame, the upper frame including a display window. The upper frame and the lower frame are continuously formed of a same resin material and are separated by a U-shaped portion.

One of the upper and lower frames includes a first stepped protrusion formed in the vicinity of its end, and the other frame of one of the upper and lower frames has a second stepped protrusion formed in the vicinity of its end. The second stepped protrusion is fitted inside the first stepped protrusion. The first stepped protrusion and the second stepped protrusion are formed to differ from each other in a protruding direction. (See Page 3, lines 19-24; Page 5, lines 3-7; Page 7, lines 4-20; Page 8, lines 14-16; Page 10, lines 14-27; Page 11, lines 15-24; Page 12, lines 11-25; and Figures 3, 4 and 7).

Similarly, independent claim 11 is directed to a liquid crystal display including a foldable frame comprising an upper frame portion and a lower frame portion which are continuously formed of a resin material and separated by a U-shaped portion. The frame further comprises a first stepped protrusion formed in the vicinity of a first end and a second stepped protrusion formed in the vicinity of a second end, the second stepped protrusion is fitted inside said first stepped protrusion. The first stepped protrusion and the second stepped protrusion are formed to

Serial No. 09/543,767  
Docket No. 00FN006US

8

differ from each other in a protruding direction. (See above).

Further, independent claim 5 is directed to a method of fabricating a liquid crystal display having a liquid crystal display panel held between an upper frame and a lower frame, the upper frame having a display window, including integrally molding the upper frame and the lower frame such that the upper frame and the lower frame are continuously formed of a same resin material and are separated by a U-shaped portion, and vacuum forming the upper frame and the lower frame of the resin material. The upper frame and the lower frame comprise a plurality of stepped protrusions. (See above).

Conventional liquid crystal displays include a lower frame, an upper frame and an LCD panel coupled and fixed by many parts, e.g., spacers, screws and caulking, without any protrusions or foldable U shaped portions. However, the conventional displays with the large variety of parts and materials tends to increase manufacturing complexity and errors in positioning parts during assembly, and thus increase the cost of parts and labor. (See Page 2, lines 1-9; Page 3, lines 3-9; and Figures 1 and 2).

An aspect of the present invention includes the upper frame and the lower frame are continuously formed of a same resin material and are separated by a U-shaped portion. These aspects facilitate fixing the upper and lower frames together by improving the position accuracy between the side covering of the top surface of the liquid crystal display and the side covering the bottom surface of the backlight. Accordingly, this configuration integrates the handling of these parts as well as eliminates the need for additional parts machined into the frame whereby the parts count is decreased. (Page 5, lines 13-15; Page 8, line 14 - Page 9, line 13; Page 11, lines

Serial No. 09/543,767  
Docket No. 00FN006US

9

15-19; and Page 12, lines 14-25).

As a result of this inventive structure, a liquid crystal display is provided with a reduced profile, size, weight and cost. (See Page 3, lines 3-9).

## II. THE PRIOR ART REJECTIONS

### A. The § 103(a) Rejection Based on Kato, et al.

The Examiner alleges that Kato, et al. ("Kato") makes obvious the invention of claims 1, 5-7 and 10. Applicant respectfully submits, however, that there are elements of the claimed invention that are not taught or suggested by Kato.

However, to expedite prosecution, Applicant points out that the present Application and the Kato patent were, at the time the invention of the Application was made, owned by the NEC Corporation. (See MPEP Section 706.02(I)).

In particular, Applicant respectfully submits that the Kato patent, which was filed in the U.S. PTO ("PTO") on February 17, 2000, was originally assigned to the NEC Corporation as recorded at the PTO, and indicated in the attached Patent Assignment Abstract of Title print-out from the PTO web-site (see attachment).

As indicated above, the present Application was originally assigned to the NEC Corporation on March 31, 2000, prior to the April 5, 2000, filing date. Accordingly, Kato and the present Application were subject to an obligation of assignment to the same entity, i.e., the NEC Corporation. Thus, the common assignee disqualifies Kato as a valid prior-art reference. (See Office Action, Page 2, last three lines-Page 3, line 2; Patent Assignment Abstract of Title, Reel 010580/Frame 0258, Recorded February 17, 2000; and MPEP Sections 706.02(I)(1) and (2)).

Serial No. 09/543,767  
Docket No. 00FN006US

10

### B. The Hashimoto Reference

The Examiner alleges that Kato would have been combined with Hashimoto ("Hashimoto") to form the invention of claims 8, 9 and 11-19 as well as independent claim 1. Applicant submits, however, that these references would not have been combined and, even if combined, the combination would not teach or suggest the claimed invention.

However, to expedite prosecution as indicated above, Kato is not a valid prior art reference. Accordingly, the Examiner cannot rely on combining Kato with Hashimoto as suggested in the Office Action. Thus, Applicant also traverses this rejection. (See Office Action, Page 5).

For the reasons stated above, the claimed invention, and the invention as cited in independent claims 1 and 11, should be fully patentable over the cited references.

### **III. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing, Applicant submits that claims 1 and 5-19, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Serial No. 09/543,767  
Docket No. 00FN006US


11

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date:


5/28/04

  
Fredric J. Zimmerman, Esq.  
Reg. No. 48,747

**McGinn & Gibb, PLLC**  
8321 Old Courthouse Rd., Suite 200  
Vienna, Virginia 22182  
(703) 761-4100  
Customer No. 21254

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment was filed by facsimile with the United States Patent and Trademark Office, Examiner Tarifur Rashid Chowdhury, Group Art Unit # 2871, at fax number (703) 872-9306 this 28<sup>th</sup> day of May, 2004.

  
Fredric J. Zimmerman,  
Reg. No. 48,747